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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,058	09/29/2000	Edward Friery	14097	1687

7590 10/13/2004

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EXAMINER

LUM VANNUCCI, LEE SIN YEE

ART UNIT PAPER NUMBER

3611

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/677,058

Applicant(s)

FRIERY ET AL.

Examiner

Ms. Lee S. Lum

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14,16-18,20,21,23,24,27-30 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) all listed above is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s): _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s): _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: ATTACHMENTS TO OFFICE ACTION

DETAILED ACTION

1. An Amendment was filed 7/2/04.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A. **Claims 1, 3-13, 16-18, 21, 24, 27-30, 32-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholas 6453535 in view of Ross 6017058.

Re **Claims 1, 3, 8, 9**, Nicholas discloses cover 10A (figs 4+) for a safety restraint device (unidentified, c1, ln 15) comprising

Face portion 12A (fig 5) positioned between the device and an (unidentified) interior compartment of the vehicle, and comprising exterior side 20 facing away from the device,

Seam 15,

Outer layer 20 affixed to a side of the face portion,

the layer sufficiently stiff to resist form-fitting the seam such that a cavity

18/19/19a (figs 6-8) is interposed between the seam and the outer layer,

and the outer layer is devoid of visible indicia of the seam (figs 6-8).

The reference does not disclose the seam as including a nonlinear portion with a plurality of bends in alternating directions, while Ross shows these seams 12d/13d in fig

3. These seams also include sharp corners - ends of segment 13d.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this type of tearseam, as shown in Ross, as an alternate seam for particular applications requiring a certain period of time for tearing.

Re Claims 4-7, Nicholas does not show particular linear/nonlinear segments, while Ross shows these characteristics in seam 13e in fig 3, where

- a. the nonlinear portion comprises first/second linear segments proximate the first/second ends of this portion, and,
- b. the nonlinear portion comprises a nonlinear segment between the first and second linear segments,

as identified in the attached drawing of Ross.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this type of tearseam, as shown in Ross, as an alternate seam that requires a certain period of time for tearing, so to design the optimal seam for a particular application.

Re Claim 10, while the references do not explicitly disclose the seam with bends having nonuniform size and shape, this configuration would have been obvious in light of fig 3. It is obvious that curves/bends may be varied to conform to particular timing parameters and/or applications, and this characteristic does not solely affect the general function of the invention.

Re Claims 11-13, Nicholas does not show particular portions of the nonlinear portions, while Ross shows these portions 12c,

First/second linear side portions perpendicular, and adjacent to,
first/second ends of nonlinear portion 13c.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this type of tearseam, as shown in Ross, as an alternate seam that requires a certain period of time for tearing, so to design the optimal seam for a particular application.

Re Claims 16-18, 21, 30, 32-34, Nicholas in view of Ross discloses the recited elements as provided above.

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Re **Claims 24 and 27-29**, Nicholas in view of Ross also discloses a method for making a cover for a safety restraint, the steps derived from the structure and means provided above.

B. **Claims 14, 20 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholas in view of Ross, and in further view of Yamamoto 5499842.

The previous references do not disclose the face portion as formed by single-shot construction, while Yamamoto shows this arrangement in c4, ln 62, and operates exclusively of an outer layer. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this means of manufacture, as shown in Yamamoto, to decrease costs and labor for airbag covers for particular applications.

(NOTE: The process by which an apparatus is made has little patentable weight.)

3. The Declaration under 37 CFR 1.132 filed 7/2/04 is sufficient to overcome the rejection of relevant claims based upon Yamamoto in view of Nicholas, as provided in the last Office Action. Examiner has provided new rejections above - Nicholas in view of Ross, and in further view of Yamamoto.

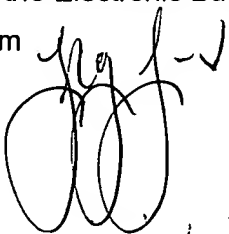
4. **RESPONSE TO REMARKS:** Moot in light of new rejections.


5. **Communication with the Examiner and USPTO**

Any inquiry concerning this communication should be directed to Ms. Lum at (703) 305-0232, 9-6, M-F. If attempts to reach the examiner are unsuccessful, her supervisor, Ms. Lesley Morris is at 703 308-0629. Our fax number is 703 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications: private PAIR only, for published applications: private or public PAIR. For more information re PAIR: <http://pair-direct.uspto.gov>. Questions re private PAIR: contact the Electronic Business Center (EBC) at 866 217-9197.

Ms. Lee S. Lum
Examiner
9/29/04




LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

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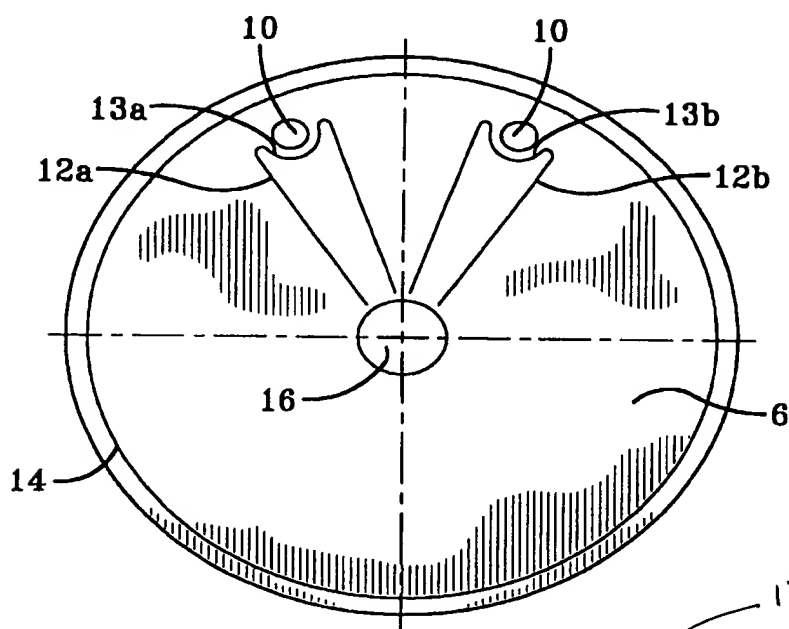


FIG-2

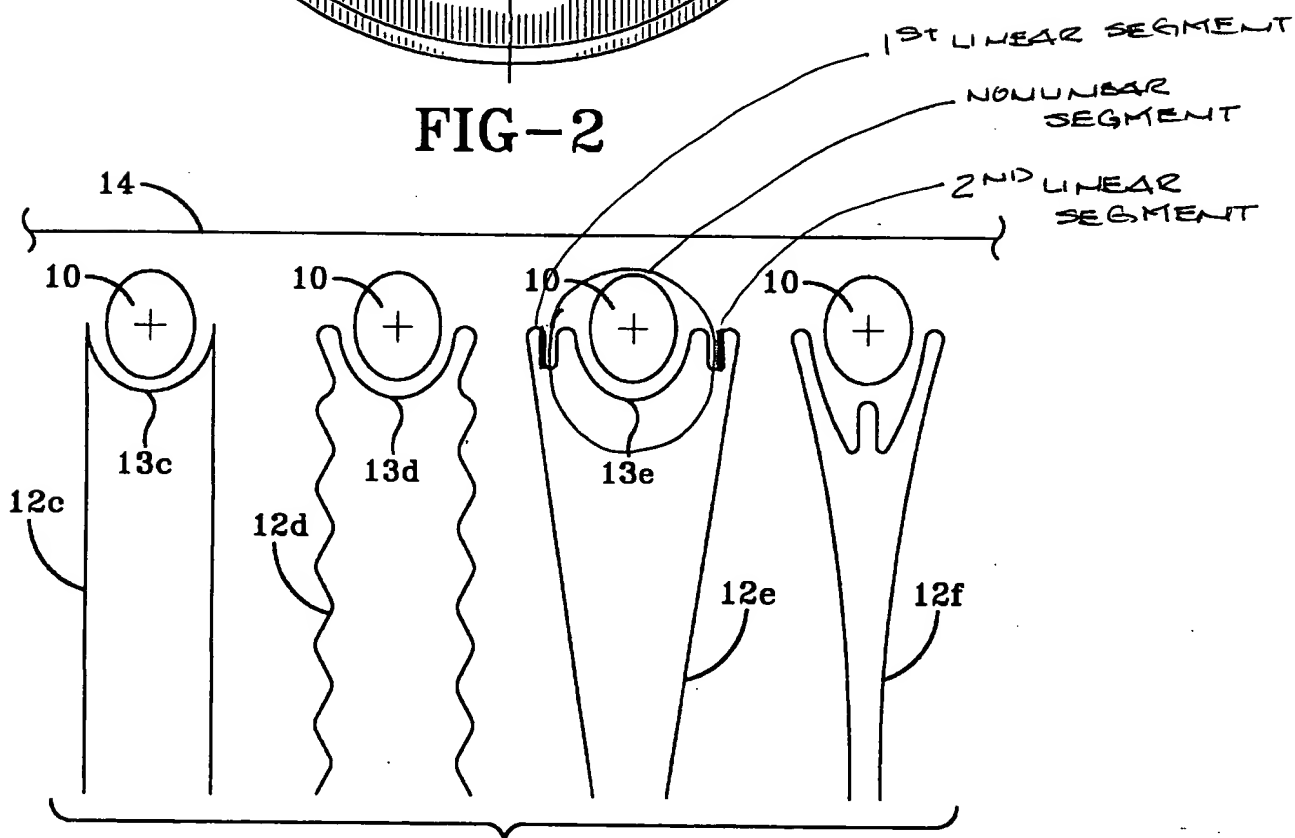


FIG-3